

# MANKO OLD & KATCHER

SUITE 500  
401 CITY AVENUE  
BALA CYNWYD, PA 19004

(610) 660-5700  
(610) 660-5711 FAX

JOSEPH M. MANKO  
MARC E. GOLD  
BRUCE S. KATCHER\*  
KENNETH J. WARREN  
KERMIT L. RADER  
NEIL S. WITKES  
MICHAEL M. MELOY  
ROBERT D. FOX  
STEVEN T. MIANO  
H. BARTLETT  
I. WOLDOW\*  
HYMAN  
JONATHAN E. RINDE\*  
RANDI STOCK GARNICK\*  
MARC L. FROHMAN  
BART E. CASSIDY\*  
MADELEINE H. COZINE\*  
JONATHAN H. SPERGEL\*

\*ALSO ADMITTED IN NJ

DARRYL D. BORRELLI  
CONSULTING ENGINEER

NEW JERSEY OFFICE:  
SUITE 111  
1 EVES DRIVE  
MARLTON, NJ 08053

(609) 596-4062  
(609) 596-7299 FAX

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ENVIRONMENTAL  
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U.S. EPA  
WESTERN PA SECTION  
3HW23

February 9, 1994

John Banks (HW23)  
Remedial Project Manager  
U.S. Environmental Protection Agency  
2/2/94.Region III  
841 Chestnut Street  
Philadelphia, PA 19107

Re: Brodhead Creek Site; Consent Order  
For OU-2 Focused RI/FS - Risk Assessment

Dear John:

In accordance with our discussions during the meeting on November 15, 1993, we are writing, pursuant to "EPA's New Policy On Performance Of Risk Assessments During Remedial Investigation/Feasibility Studies Conducted By Potentially Responsible Parties," dated September 1, 1993, to request that Pennsylvania Power and Light ("PP&L") and Union Gas Company ("Union Gas") be allowed to perform the risk assessment for Operable Unit-2 ("OU-2") of the Brodhead Creek Site (the "Site"). Consistent with the EPA policy then in effect, the Consent Order (Docket No. III-92-26-DC) at Section VIII.K. provides for EPA to conduct the OU-2 risk assessment. For the reasons set forth below, PP&L and Union Gas clearly satisfy the criteria set forth in EPA's New Policy for allowing private parties to conduct risk assessments.

1. EPA's Prior Experience With The Requesting PRP's  
At This Or Other Sites

EPA has been working with PP&L and Union Gas at the Brodhead Creek Site for over 10 years. Past experience at this site demonstrates that both PP&L and Union Gas have cooperated with EPA in undertaking investigations and remediation at the Site.

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During the initial emergency response action at the Brodhead Creek Site, PP&L agreed to conduct an investigation of its property and cooperated with the agencies in their investigation of the adjoining properties. Without being directed to do so by the agencies, PP&L also constructed and operated an innovative system to remove approximately 8,000 gallons of virtually pure coal tar from a stratigraphic depression at the Site. Further, PP&L has been working closely with EPA's SITE program to study and implement an innovative remediation technology at the Site in order to remove yet more pure coal tar from two stratigraphic depressions at the Site.

Both PP&L and Union Gas have also volunteered to investigate and, if necessary, remediate other of their manufactured gas plant ("MGP") sites. Union Gas recently executed an agreement with the Pennsylvania Department of Environmental Resources ("PADER") to investigate all twenty of the MGP sites it owns in Pennsylvania. PP&L has initiated discussions with PADER to develop a similar agreement which would cover not only its MGP sites, but other types of sites as well. Recently, PP&L worked with both EPA and PADER to undertake an emergency removal action at its former gas plant in Columbia, Pennsylvania. The site was proposed for listing on the NPL less than one year ago and no written agreements have yet been signed with either EPA or PADER. Nevertheless, significant work is already well underway.

PP&L has also been very active in assisting EPA on evaluating and developing guidance with regard to dense, non-aqueous phase liquid ("DNAPLs"). Jim Villaume, who has been PP&L's project manager at Brodhead Creek since 1981, has participated in two major workshop sessions convened by EPA to discuss the DNAPL issue. Much of his understanding about DNAPLs was developed as a result of independent investigative work done at Brodhead Creek and research sponsored by PP&L at Lehigh University. Mr. Villaume also recently served as a peer reviewer of EPA's DNAPL research program at its Robert S. Kerr Environmental Research Laboratory in Ada, Oklahoma. He continues to serve as a peer reviewer of draft guidance documents on both Light NAPLs and DNAPLs prepared by the Laboratory.

2. PRP or PRP Contractor's Experience In Conducting Superfund Risk Assessments

Most important, PP&L and Union Gas have conducted the risk assessment for OU-1 at the Brodhead Creek Site, which, at the time, was anticipated to be the single risk assessment for the entire site. The high quality of the risk assessment is evidenced by the minimal revision to it requested by EPA. Further, the risk assessment for OU-1 was prepared by Environmental Resource Management, Inc. ("ERM"), the contractor currently preparing the focused RI/FS for OU-2. ERM has retained the data for the OU-1 risk assessment on disk. The OU-2 risk assessment should be essentially an update of the OU-1 risk assessment based on the data developed during the OU-2 RI/FS. Hence, ERM can prepare the OU-2 risk assessment expeditiously and with the minimum EPA oversight. In fact, because ERM conducted both the previous risk assessment and the focused RI/FS, ERM should be able to conduct the additional risk assessment more expeditiously than EPA could. Finally, ERM has extensive experience with conducting risk assessments elsewhere. Attachment A sets forth ERM's qualifications and prior experience with risk assessments.

3. PRP or PRP Contractor's Knowledge Of Current Superfund Risk Assessment Processes And Guidance Documents

The knowledge of PP&L, Union Gas and ERM of current Superfund risk assessment processes and guidance documents is amply demonstrated by their performance of the risk assessment for OU-1 and the other risk assessments identified in response to criteria #s 1 and 2 above.

4. PRP or PRP Contractor's Ability To Submit Data To EPA In The Proper Format

The ability of PP&L, Union Gas and ERM to submit data to EPA in the proper format is amply demonstrated by their preparation of the OU-1 RI/FS and risk assessment and ongoing submissions as part of the focused RI/FS for OU-2. In addition, both PP&L and Penn Fuel Gas, the parent company of Union Gas, have regular and extensive contact with state and federal environmental agencies which require the submission of data in particular formats. ERM has vast experience submitting data to EPA in particular formats, the risk assessments listed on the attachment being but one example.


If you would like additional information concerning the experience of PP&L, Union Gas or ERM in this regard, please let us know.

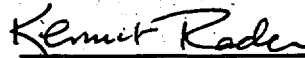
5. Available EPA Resources And Schedule For RI/FS Completion

While obviously we are not in a position to address the level of EPA resources which would be available to oversee an OU-2 risk assessment prepared by PP&L and Union Gas, clearly, for the reasons set forth in response to criteria #1 above, oversight of that risk assessment should require a minimum of EPA resources and its preparation should be unusually expeditious, certainly vastly more expeditiously than would be the case if EPA retains another contractor to conduct the risk assessment.

For the reasons set forth above, PP&L and Union Gas are in a unique position to prepare the OU-2 risk assessment expeditiously and with a minimum of EPA oversight. Furthermore, in view of the fact that PP&L and Union Gas prepared a risk assessment for OU-1 which met with EPA's approval, the public should have a high degree of confidence in an OU-2 risk assessment prepared by PP&L and Union Gas.

We understand from our meeting on November 15, 1993, that Region III is prepared to recommend to the Director of the Office of Waste Programs Enforcement that PP&L and Union Gas be allowed to conduct the OU-2 risk assessment. Please advise us if you require any further information to assist you with OWPE review. If this request is approved, an amendment of Section VIII.K. of the Consent Order will be required, which we will be happy to draft for your review.

  
Arundhati Khanwalkar, Esquire  
Pennsylvania Power & Light

  
Kermit L. Rader, Esquire  
Union Gas

cc: Stephen Schachman, Esquire  
Traci Self  
Arundhati Khanwalkar, Esquire

**Pages 300967 - 300979 have been removed because they  
contain confidential information.**